

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Joseph W. Cole, II, et al.,

Plaintiffs,

Case No. 2:04-cv-738

v.

JUDGE GRAHAM

American Community Services, Inc.,

Defendant/Third-Party Plaintiff,

v.

U-Gold Key, Inc., et al.,

Third-Party Defendants.

**ORDER**

On July 31, 2006, Defendant-Third Party Plaintiff American Community Services, Inc. ("ACS"), filed a Motion for Summary Judgment against Plaintiffs in this case (Doc. 53). In that Motion, ACS states that although it had a Motion to Dismiss for lack of personal jurisdiction pending (Doc. 8) it "hereby withdraws that motion, preferring to have this case decided on the merits." (Def. Mot. for Summ. J. 2.)

Accordingly, ACS's Motion to Dismiss for lack of personal jurisdiction (Doc. 8), is moot and shall be stricken from the record.

It is so ORDERED.

s/ James L. Graham  
JAMES L. GRAHAM  
United States District Judge

DATE: August 25, 2006